IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 605 of 2007
Date of Decision: 5.2.2007

Nirmaldeep Singh ...Petitioner

Versus

Narinder Kaur and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Amarjit Markan, Advocate, for the petitioner.

HEMANT GUPTA, J.

The challenge in the present revision petition by defendants No.3 is to the order passed by the learned trial Court on 22.12.2006, whereby the plaint was allowed to be amended and the parties were ordered to be impleaded.

It was the objection of the petitioner that the proper parties have not been impleaded. To meet out the said objection, the plaintiff has filed the application though with some delay to implead proper parties. The amendment has been allowed in respect of challenge to the Will dated 6.1.2004 as well as in respect of impleading of proper parties.

In respect of the amendment challenging the Will, suffice it to state that it is the petitioner who has propounded the Will and thus the onus to prove the Will lies on the petitioner alone. Even in the absence of challenge to the Will by the petitioner, the defendant is to prove the Will. Therefore, the amendment in the plaint does not effect the merits of the

controversy as the issue regarding Will is already subject matter of the suit.

Consequently, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

05-02-2007 (HEMANT GUPTA)
ds JUDGE